

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

SANDRA G. GRESHAM,

)

VS.

Plaintiff,

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3:09-cv-00034-RCJ-VPC

PETRO STOPPING CENTERS, LP et al.,

## ORDER

### Defendants.

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## ORDER

This case arises out of a slip-and-fall incident at a truck wash. Pending before the Court is Plaintiff's Second Revised Proposed Judgment ("SRPJ"). (*See* ECF No. 165). For the reasons given herein, the Court will solicit a third revised proposed judgment.

Plaintiff won a verdict for \$751,863.93 in past damages and \$2,488,569.90 in future damages, with 10% contributory negligence. The SRPJ correctly calculates the subtotal as \$2,916,390.42. However, the Court disagrees that Plaintiff is entitled to prejudgment interest. As to future damages, the jury was instructed to consider the present value of money in reaching its verdict. In light of this instruction, adding prejudgment interest to the future-damages portion of the verdict would be double-counting. As to past damages, none of the damages in this case represent compensation for out-of-pocket medical payments such that interest is necessary to make Plaintiff whole. Plaintiff shall submit a third revised proposed judgment consistent with this order.

## CONCLUSION

IT IS HEREBY ORDERED that the Second Revised Proposed Judgment (ECF No. 165) is REJECTED, and Plaintiff shall submit a third revised proposed judgment within fourteen days.

IT IS SO ORDERED.

Dated this 15th day of February, 2012.

~~ROBERT C. JONES~~  
United States District Judge